

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND

CHAMBERS OF  
CHARLES B. DAY  
UNITED STATES MAGISTRATE JUDGE

U.S. COURTHOUSE  
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October 5, 2006

**VIA ELECTRONIC FILING**

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Re: Beyond Systems, Inc. v. Keynetics, Inc., et al.  
Civil Action No. PJM 04-686

Pursuant to the referral of this case to me for resolution of discovery disputes, the Court has received Plaintiff's September 22, 2006 Letter Motion to Compel Discovery of Identification of Information regarding Defendants' Affiliates ("Plaintiff's Motion") (Docket Item No. 176). The Court has reviewed Plaintiff's Motion and the opposition thereto. No hearing is deemed necessary. Local Rule 105.6 (D. Md.). The Court hereby GRANTS Plaintiff's Motion.

In light of the Court's Order of September 26, 2006, Defendants in large measure have agreed to produce most of the information sought in Plaintiff's Motion. The only remaining issue is the disclosure of contact information for non-Maryland terminated Affiliates who have had no involvement with the e-mail messages received by Plaintiff. Given the Court's previous explanation that it views the current jurisdictional discovery to encompass the activities of Affiliates and how the conduct of Affiliates may show a jurisdictional nexus between Defendants and this forum, the Court hereby orders Defendants to produce the required contact information for these terminated non-Maryland Affiliates who have conducted Keynetics related business in Maryland. Upon receipt, Plaintiff is free to make contact with said Affiliates, but said contact shall be initiated in writing in the form approved by the parties and the Court. Plaintiff shall not disclose information subject to the Court's protective order to said Affiliates, with the exception that Plaintiff may share identification or transactional information as it relates solely to said Affiliate. As with all such contacts, Plaintiff is obligated to disclose that the Court has not yet determined jurisdiction over Keynetics, Keynetics denies the allegations of Plaintiff's lawsuit,

and that counsel's initial letter is being issued pursuant to court-ordered discovery. The other general conditions of the Court's Order of September 29, 2006, also apply to said communications.

The Court finds that the award of attorneys fees and or expenses would be unjust under these circumstances. Defendants are required to make the required disclosures forthwith. Despite the informal nature of this ruling, it shall constitute an Order of the Court, and the Clerk is directed to docket it accordingly.

Very truly yours,

/s/

Charles B. Day  
United States Magistrate Judge

CBD/bab